

REMARKS

Claims 1, 2 and 4-17 are pending in this application. By this Amendment, claims 1 and 17 are amended.

No new matter is added to the application by this Amendment. Support for the new features added to claims 1 and 17 can be found in Figs. 1-3 of the present application.

Reconsideration of the application is respectfully requested.

I. Rejections Under 35 USC 103

A. Lawrence et al. in view of Castelas et al.

Claims 1, 2, 4, 5, 9 and 11-17 were rejected under 35 USC 103(a) as allegedly being unpatentable over U.S. Patent No. 5,958,243 to Lawrence et al. (hereinafter "Lawrence") in view of FR 2586202 to Castelas et al. (hereinafter "Castelas"). The rejection is respectfully traversed.

The Patent Office alleges that each and every feature of the foregoing claims would have been obvious to a skilled artisan in view of the teachings of Lawrence and Castelas. Applicants respectfully disagree with the allegations by the Patent Office as set forth in the Office Action.

Independent claims 1 and 17 were amended to require the permeate discharge pipe is configured to discharge permeate from the apparatus at a point upstream with respect to the inlet of the at least one permeate circulation circuit (as shown in Figs 1-3 of the present application).

In contrast, Lawrence teaches the permeate leaves the filtration module through valve 9, passes through permeate storage tank 10, exits tank 10 through valve 11 and is discharged through valve 18 and pump 15 (see col. 5, lines 7-11). In view of said passage and Fig. 3,

Lawrence, at best, teaches that the permeate is discharged downstream of valves 9, 11, 12, 13, 14 and 18, tanks 10, 19 and pump 15.

Moreover, the Patent Office sets forth that Lawrence's alleged permeate discharge pipe is the pipe exiting permeate side 5, including valve 9 and ending at tank 10 (see page 3 of the Office Action). Additionally, the Patent Office sets forth that Lawrence's alleged circulation circuit includes the tanks 10 and 19, valves 11-14 and pump 15 (see page 8 of the Office Action). It is clear from Fig. 3 of Lawrence that Lawrence's alleged permeate discharge pipe (i.e., the pipe exiting permeate side 5, including valve 9 and ending at tank 10) is not configured to discharge permeate from the apparatus at a point upstream with respect to Lawrence's alleged circulation circuit (i.e., the tanks 10 and 19, valves 11-14 and pump 15). Instead, Lawrence teaches that the permeate is discharged at a point downstream from the alleged circulation circuit.

Thus, Lawrence and Castelas, taken singly or in combination, does not teach or suggest a permeate discharge pipe that is configured to discharge permeate from the apparatus at a point upstream with respect to the inlet of the at least one permeate circulation circuit as required by amended claims 1 and 17.

Because the features of independent claims 1 and 17 are neither taught nor suggested by Lawrence and Castelas, taken singly or in combination, these references would not have rendered obvious, the features specifically defined in independent claims 1 and 17 and the dependent claims of claim 1.

For at least these reasons, claims 1, 2, 4, 5, 9 and 11-17 are non-obvious in view of Lawrence and Castelas. Reconsideration and withdrawal of the rejection of the claims under

35 USC 103(a) are respectfully requested.

B. Lawrence and Castelas in view of Storkebaum et al.

Claims 6-8 and 10 were rejected under 35 USC 103(a) as allegedly being unpatentable over Lawrence and Castelas in view of U.S. Patent No. 4,749,476 to Storkebaum et al. (hereinafter “Storkebaum”). The rejection is respectfully traversed.

Storkebaum does not remedy the deficiencies of Lawrence and Castelas as described above with respect to claim 1, from which claims 6-8 and 10 directly or indirectly depend, because Storkebaum also fails to teach or suggest permeate discharge pipe is configured to discharge permeate from the apparatus at a point upstream with respect to a permeate circulation circuit.

Thus, Lawrence, Castelas and Storkebaum, taken singly or in combination, do not teach or suggest a permeate discharge pipe that is configured to discharge permeate from the apparatus at a point upstream with respect to the inlet of the at least one permeate circulation circuit as recited in claim 1.

Because these features of independent claim 1 are not taught or suggested by Lawrence, Castelas and Storkebaum, taken singly or in combination, these references would not have rendered the features of claim 1 and its dependent claims obvious to one of ordinary skill in the art.

For at least these reasons, claims 6-8 and 10 are patentable over Lawrence, Castelas and Storkebaum. Thus, withdrawal of the rejection under 35 USC 103(a) is respectfully requested.

II. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 2 and 4-17 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Early and favorable action is earnestly solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,
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